

**REMARKS**

Favorable reconsideration and allowance of this application are requested.

**1. Discussion of Claim Amendments**

By way of the amendment instructions above, several clarifying revisions have been proposed to the previous claims so as to place them in a form more consistent with US practice. The scope of the claims has not however been affected by such revisions.

Accordingly following entry of this amendment, claims 1-5 will remain pending herein. Allowance of such pending claims is in order.

**2. Response to 35 USC §102(b) Rejection**

The only issue to be resolved in this application is the rejection advanced under 35 USC §102(b) based on Scordato et al (USP 4,821,586). Applicants suggest that the presently pending claims are both novel and patentably unobvious over Scordato et al.

In this regard, applicants note that a particularly important feature of the present invention is that, in the course of a selected pipetting function (mode), it is shown on the display that the operation of a setting key has been changed so that the pipetting function can be changed by pressing that key. Figure 3 as originally filed shows one example of such a change. As shown and described therein, in the course of the pipetting it is also possible to add mixing to the pipetting and that this can be done by the shown setting key (whose operation has thus temporarily been changed).

A pipetting function consists of successive steps forming a given sequence. The first step is aspiration of liquid into the pipette. In a conventional pipette, the preprogrammed steps just follow each other in a predetermined order. IN some

pipettes, the operation is stopped between some steps and is not continued until the operation presses a certain key. It may also be possible that, when the operation is stopped, the user may reprogram the function, e.g., change the volume. It is also common that there is a specific key by which the operation can cancel the whole function. But in these known pipettes, the operation of the keys is not changed during the sequence.

The applied Scordato et al patent discloses a conventional pipette in this respect. A selected pipetting function proceeds by a stepwise manner. There is also a “clear” key and an “exit” key, but their operations remain the same all the time – that is, “clear” restores the program to the clear pipette stage, and “exit” moves to reprogramming stage. Since the functions of these keys are not changed, there can be no change in function shown on the display.

Accordingly, the presently claimed invention is not anticipated by Scordato et al. Nor would an ordinarily skilled person be directed toward the presently claimed invention with Scordato et al in hand. As such, the claims are both novel and patentably unobvious over Scordato et al.

Withdrawal of the rejection advanced under 35 USC §102(b) and early passage of the present application to issue are solicited.

**TELIMAA et al**  
**Serial No. 10/590,381**  
March 4, 2009

**4. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_ /Bryan H. Davidson/  
Bryan H. Davidson  
Reg. No. 30,251

BHD:dlb  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100